



PUBLIC NOTICE

Federal Communications Commission
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DA 09-2255

Release Date: October 21, 2009

COMMENT SOUGHT ON THE PETITION OF MICHIGAN ACCESS, INC. FOR WAIVER OF COMMISSION RULES TO BECOME AN INCUMBENT LOCAL EXCHANGE CARRIER IN MICHIGAN, TO PARTICIPATE IN THE NATIONAL EXCHANGE CARRIER ASSOCIATION POOLS, AND TO RECEIVE ACCELERATED UNIVERSAL SERVICE FUND SUPPORT

CC Docket No. 96-45

Comment Date: November 20, 2009

Reply Comment Date: December 7, 2009

On September 30, 2009, Michigan Access, Inc. (Michigan Access) filed a petition to be designated as an incumbent local exchange carrier (LEC) in two rural exchanges in Northeast Michigan, to participate in the National Exchange Carrier Association (NECA) pools, to receive accelerated high-cost loop support, and to receive a waiver of certain filing deadlines to allow it to receive universal service support on an expedited basis.¹ Michigan Access recognizes that Osirus Communications, Inc. (Osirus) and Allband Communications Cooperative (Allband) have each previously filed petitions with the Commission also seeking incumbent LEC status for portions of these same areas; Michigan Access, however, petitions the Commission to designate it as an incumbent LEC irrespective of the Allband and Osirus petitions.²

Interested parties may file **comments on or before November 20, 2009** and **reply comments on or before December 7, 2009**. All pleadings are to reference **CC Docket No. 96-45**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.³

¹ Michigan Access, Inc., Emergency Petition for Waiver of the Commission's Rules to Designate Michigan Access an Incumbent Local Exchange Carrier in Two Unserved Areas in Northeast Michigan, Petition for Waivers of the Commission's Rules to Allow New Local Exchange Carrier to Participate in NECA Tariffs and Pools and Obtain Accelerated USF Support, CC Docket No. 96-45 (filed Sept. 30, 2009). Specifically, the two rural exchanges are Kirtland and Red Dog which are located in portions of Ogemaw and Oscoda counties in Michigan. *Id.* at 4.

² *Id.* at 8; Osirus Communications, Inc., Petition for Waivers of the Commission's Rules to Participate in NECA Pools and Tariffs and to Obtain Accelerated USF Support, CC Docket No. 96-45 (filed Oct. 2, 2007); Comments of Allband Communications Cooperative in Opposition to Petition for Waivers and Allband Request for Clarification, CC Docket No. 96-45 (filed Jan. 3, 2008).

³ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
- **For ECFS filers,** if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Gary Seigel, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C408, Washington, D.C. 20554; e-mail: Gary.Seigel@fcc.gov; and
- (3) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B521, Washington, D.C. 20554; e-mail: Antoinette.Stevens@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpweb.com.

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁴ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.⁵ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission’s rules.⁶

For further information, please contact Gary Seigel, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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⁴ 47 C.F.R. §§ 1.1200 *et seq.*

⁵ *See* 47 C.F.R. § 1.1206(b)(2).

⁶ 47 C.F.R. § 1.1206(b).